

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

APR 20 2005

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BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

**IN RE NEURONTIN MARKETING, SALES PRACTICES AND PRODUCTS
LIABILITY LITIGATION**

Stephen Brodsky v. Pfizer, Inc., et al., S.D. New York, C.A. No. 1:04-7960

Dan Huffman, etc. v. Pfizer, Inc., et al., S.D. New York, C.A. No. 1:04-7961

Patti Paulsen, etc. v. Pfizer, Inc., et al., S.D. New York, C.A. No. 1:04-8464

Rosalia Sumait, et al. v. Pfizer, Inc., et al., S.D. New York, C.A. No. 1:04-8719

Monica Smith, etc. v. Pfizer, Inc., et al., S.D. New York, C.A. No. 1:04-8720

**ORDER LIFTING STAY OF CONDITIONAL TRANSFER ORDER
AND VACATING THE MAY 26, 2005 HEARING SESSION**

A conditional transfer order was filed in these five actions on February 8, 2005. Prior to expiration of that order's fifteen-day stay of transmittal, plaintiffs in the actions filed a notice of opposition to the proposed transfer and the subsequent motion and brief to vacate the conditional transfer order. Plaintiffs have now advised the Panel that they withdraw their initial opposition to the conditional transfer order.

IT IS THEREFORE ORDERED that the stay of the Panel's conditional transfer order designated as "CTO-3" filed on February 8, 2005, is LIFTED insofar as it relates to these five actions, and thus the actions are transferred to the District of Massachusetts for inclusion in the coordinated or consolidated pretrial proceedings under 28 U.S.C. § 1407 being conducted by the Honorable Patti B. Saris.

IT IS FURTHER ORDERED that the Hearing Session Order and the attached Schedule filed on April 20, 2005, are VACATED insofar as they relate to these five actions.

FOR THE PANEL:

Wm. Terrell Hodges
Chairman

ECF, MEMBER, RELATED

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:04-cv-08719-JSR**

Sumait et al v. Pfizer Inc. et al
Assigned to: Judge Jed S. Rakoff
Related Case: 1:04-cv-06704-JSR
Case in other court: State Court-Supreme, 113824-04
Cause: 28:1441 Notice of Removal

Date Filed: 11/04/2004
Jury Demand: None
Nature of Suit: 365 Personal Inj. Prod.
Liability
Jurisdiction: Federal Question

Plaintiff

Rosalia Sumait

represented by **Eleanor Louise Polimeni**
Finkelstein & Partners, LLP
436 Robinson Ave.
Newburgh, NY 12550
845-563-9421
Fax: 845-562-3492
Email: epolimeni@lawampm.com
ATTORNEY TO BE NOTICED

Plaintiff

Eva Potts

represented by **Eleanor Louise Polimeni**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Adam Sumait

represented by **Eleanor Louise Polimeni**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Matthew Sumait

represented by **Eleanor Louise Polimeni**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Jr. Manuel Sumait

represented by **Eleanor Louise Polimeni**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Ramona Sumait

represented by **Eleanor Louise Polimeni**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Mercelino Sumait

represented by **Eleanor Louise Polimeni**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Eliza Sumait

*individually and as successors in
interest to the estate of Manuel Sumait*

represented by **Eleanor Louise Polimeni**
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

Pfizer Inc.

represented by **Erik March Zissu**
Davis Polk & Wardwell
450 Lexington Avenue
New York, NY 10017
(212) 450-4511
Fax: 212 450-3511
Email: zissu@dpw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Parke-Davis

*a division of Warner-Lambert
Company and Warner Lambert
Company L.L.C.*

represented by **Erik March Zissu**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Warner-Lambert Company

represented by **Erik March Zissu**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Warner-Lambert Company L.L.C.

represented by **Erik March Zissu**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/04/2004	<u>1</u>	NOTICE OF REMOVAL from Supreme Court, County of New York. Case Number: 113824-04. (Filing Fee \$ 150.00, Receipt Number 525246). Document filed by Parke-Davis, Pfizer Inc., Warner-Lambert Company, Warner-Lambert Company L.L.C..(laq,) Additional attachment(s) added on 11/16/2004 (laq,). (Entered: 11/09/2004)
11/04/2004	<u>2</u>	RULE 7.1 DISCLOSURE STATEMENT. Document filed by Parke-Davis, Pfizer Inc., Warner-Lambert Company, Warner-Lambert Company L.L.C..(laq,) Additional attachment(s) added on 11/16/2004 (laq,). (Entered: 11/09/2004)
11/04/2004		CASE REFERRED TO Judge Jed S. Rakoff as possibly related to 1:04-cv-6704. (laq,) (Entered: 11/09/2004)
11/04/2004		Case Designated ECF. (laq,) (Entered: 11/09/2004)
11/11/2004	<u>3</u>	NOTICE of Appearance by Eleanor Louise Polimeni on behalf of all plaintiffs (Polimeni, Eleanor) (Entered: 11/11/2004)
11/22/2004		CASE ACCEPTED AS RELATED TO 1:04-cv-6704. Notice of Assignment to follow. (jjm,) (Entered: 12/03/2004)
11/22/2004	<u>4</u>	NOTICE OF CASE ASSIGNMENT to Judge Jed S. Rakoff. Judge Unassigned no longer assigned to the case. (jjm,) Additional attachment(s) added on 1/10/2005 (jjm,). (Entered: 12/03/2004)
11/22/2004		Magistrate Judge Douglas F. Eaton is so designated. (jjm,) (Entered: 12/03/2004)
12/03/2004		Mailed notice with Rules 2 & 3 to the attorney(s) of record. (jjm,) (Entered: 12/03/2004)
12/06/2004	<u>5</u>	ORDER the Court, on its own motion, hereby consolidates these cases 04cv6704, 04cv8464, 04cv8719, 04cv8720, 04cv8721, and 04cv8963, with the earlier cases under the common caption of In re Neurontin, 04 civ. 6704 (JSR). Any party objection to the foregoing consolidation must so notify the Court, in writing, by no later than 12/13/04, in which case the Court will then convene a hearing to evaluate any such objection. Failure to raise any objection by December 13 will be deemed a waiver of any such objection. So Ordered. Original filed in case 04cv6704, doc # 11. (Signed by Judge Jed S. Rakoff on 12/6/04) (jco,) (Entered: 12/07/2004)

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